

AMENDED IN SENATE MAY 8, 2003

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 524

Introduced by Senator Vasconcellos

February 20, 2003

~~An act to amend Section 51852 of the Education Code, relating to instruction.~~ *An act relating to instruction*

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Vasconcellos. Instruction: driver training.

Existing law prescribes the requirements for a course of instruction in automobile driver education and provides various plans that meet the requirements for a course of instruction in the laboratory phase of driver education. *Existing law requires the Department of Motor Vehicles to conduct a pilot project to compare the effectiveness of driver education programs in classroom based and nonclassroom based environments, as specified, and to complete a study concerning this pilot program by May 31, 2003.* Existing law declares that no provision of a specified chapter of the Education Code relating to driver education may be construed to limit eligibility for a provisional driver's license for pupils who have completed driver training courses offered in private elementary or secondary schools. Existing law makes that declaration inoperative July 1, 2004, and provides for its repeal on January 1, 2005.

This bill would authorize the Superintendent of Public Instruction to require a private school to disclose in its annual informational affidavit the telephone number of specified persons or entities offering or conducting private school instruction in driver training encourage

adoption of the recommendations of the Department of Motor Vehicles contained in a specified study relating to driver training programs.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 51852 of the Education Code, as~~
2 ~~SECTION 1. The Legislature encourages that the~~
3 ~~recommendations of the Department of Motor Vehicles pertaining~~
4 ~~to instruction programs in driver training contained in the report~~
5 ~~required pursuant to Section 12814.8 of the Vehicle Code as that~~
6 ~~Section read immediately preceding January 1, 2004, be adopted.~~
7 ~~amended by Section 1 of Chapter 774 of the Statutes of 2002, is~~
8 ~~amended to read:~~
9 ~~51852. — A course of instruction in the laboratory phase of~~
10 ~~driver education shall include, for each student enrolled in the~~
11 ~~class, instruction under one of the following plans:~~
12 ~~(a) Plan One. — A minimum of 12 hours allocated as follows:~~
13 ~~(1) A minimum of six hours of on-street behind-the-wheel~~
14 ~~practice driving instruction in a dual-control automobile with a~~
15 ~~qualified instructor.~~
16 ~~(2) A minimum of six hours in a dual-control automobile with~~
17 ~~a qualified instructor for the purposes of observation. Practice~~
18 ~~driving on an off-street multiple-car driving range approved by the~~
19 ~~department under the supervision of a qualified instructor may be~~
20 ~~substituted for all or part of the observation time.~~
21 ~~(b) Plan Two. — A minimum of 24 hours allocated as follows:~~
22 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
23 ~~instruction in a dual-control automobile with a qualified instructor.~~
24 ~~(2) Six hours in a dual-control automobile with a qualified~~
25 ~~instructor for the purposes of observation. Practice driving on an~~
26 ~~off-street multiple-car driving range approved by the department~~
27 ~~under the supervision of a qualified instructor may be substituted~~
28 ~~for all or part of the observation time.~~
29 ~~(3) Twelve hours of instruction by a qualified instructor in a~~
30 ~~driving simulator approved by the department.~~
31 ~~(4) At least three additional hours of instruction specified in~~
32 ~~one or more of paragraphs 1 to 3, inclusive, of this subdivision.~~
33 ~~(c) Plan Three. A minimum of 24 hours allocated as follows:~~

1 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
2 ~~instruction in a dual-control automobile with a qualified instructor.~~

3 ~~(2) Six hours in a dual-control automobile with a qualified~~
4 ~~instructor for the purpose of observation.~~

5 ~~(3) Twelve hours of instruction by a qualified instructor on an~~
6 ~~off-street multiple-car driving range.~~

7 ~~(4) At least three additional hours of instruction specified in~~
8 ~~one or more of paragraphs 1 to 3, inclusive, of this subdivision.~~

9 ~~(d) Plan Four.—A minimum of 24 hours allocated as follows:~~

10 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
11 ~~instruction in a dual-control automobile with a qualified instructor.~~

12 ~~(2) Three hours in a dual-control automobile with a qualified~~
13 ~~instructor for the purpose of observation.~~

14 ~~(3) Eighteen hours of instruction by a qualified instructor in a~~
15 ~~driving simulator approved by the department and on an off-street~~
16 ~~multiple-car driving range. The governing board of the district~~
17 ~~shall establish the proportion of time to be utilized in simulators~~
18 ~~and on the off-street multiple-car driving range.~~

19 ~~(e) Plan Five.~~

20 ~~(1) Competency-based driver training which means a program~~
21 ~~in which each student receives a minimum of three hours of~~
22 ~~on-street behind-the-wheel practice driving instruction, a~~
23 ~~minimum of one hour of behind-the-wheel pretesting, and a~~
24 ~~minimum of one hour of behind-the-wheel posttesting. The pretest~~
25 ~~and posttest for public school programs shall include basic skill~~
26 ~~evaluation by the instructor, as adopted by the Superintendent of~~
27 ~~Public Instruction pursuant to paragraph (2). The one-hour~~
28 ~~posttest shall be conducted by an instructor other than the~~
29 ~~instructor who conducted the three hours of behind-the-wheel~~
30 ~~practice driving instruction or the pretest. Each student shall~~
31 ~~receive at least one additional hour of either behind-the-wheel~~
32 ~~practice driving instruction or observation time.~~

33 ~~(2) The Superintendent of Public Instruction shall adopt rules,~~
34 ~~regulations, and basic skill requirements for public school~~
35 ~~programs pursuant to this subdivision.~~

36 ~~(3) Local district superintendents offering this program shall~~
37 ~~annually report to the Superintendent of Public Instruction, on a~~
38 ~~form developed by the State Department of Education, on student~~
39 ~~completion of instruction pursuant to paragraph (1).~~

~~(f) For purposes of this section, one hour means 60 minutes including passing time.~~

~~(g) Any deviation from the standard use of a simulator or off-street multiple-car driving range, or both, shall have prior approval by the Department of Education before the school district, county superintendent of schools, the California Youth Authority, or the Department of Education can be reimbursed for the students trained.~~

~~(h) Nothing in this chapter shall be construed to direct or restrict courses of instruction in the classroom phase or the laboratory phase of driver education offered by private elementary and secondary schools or to require the use of credentialed or certified instructors in the laboratory phase of driver education offered by private elementary and secondary schools, except that each student enrolled in a course shall satisfactorily complete a minimum of six hours of on-street behind-the-wheel driving instruction. This chapter shall not be construed to limit eligibility for a provisional driver's license for pupils who have completed driver education or driver training courses offered in private elementary or secondary schools.~~

~~(i) For the purposes of this section, private elementary or secondary schools are those subject to the provisions of Sections 33190 and 48222.~~

~~(j) The Superintendent of Public Instruction may require a private school to disclose in its affidavit required pursuant to Section 33190 the telephone number of any person, firm, association, partnership, or corporation offering or conducting private school instruction in driver training.~~

~~(k) This section shall become inoperative on and after July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute that is enacted before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 2. Section 51852 of the Education Code, as added by Section 1.5 of Chapter 774 of the Statutes of 2002, is amended to read:~~

~~51852. A course of instruction in the laboratory phase of driver education shall include, for each student enrolled in the class, instruction under one of the following plans:~~

~~(a) Plan One. A minimum of 12 hours allocated as follows:~~

1 ~~(1) A minimum of six hours of on-street behind-the-wheel~~
2 ~~practice driving instruction in a dual-control automobile with a~~
3 ~~qualified instructor.~~

4 ~~(2) A minimum of six hours in a dual-control automobile with~~
5 ~~a qualified instructor for the purposes of observation. Practice~~
6 ~~driving on an off-street multiple-car driving range approved by the~~
7 ~~department under the supervision of a qualified instructor may be~~
8 ~~substituted for all or part of the observation time.~~

9 ~~(b) Plan Two.—A minimum of 24 hours allocated as follows:~~

10 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
11 ~~instruction in a dual-control automobile with a qualified instructor.~~

12 ~~(2) Six hours in a dual-control automobile with a qualified~~
13 ~~instructor for the purposes of observation. Practice driving on an~~
14 ~~off-street multiple-car driving range approved by the department~~
15 ~~under the supervision of a qualified instructor may be substituted~~
16 ~~for all or part of the observation time.~~

17 ~~(3) Twelve hours of instruction by a qualified instructor in a~~
18 ~~driving simulator approved by the department.~~

19 ~~(4) At least three additional hours of instruction specified in~~
20 ~~one or more of paragraphs 1 to 3, inclusive, of this subdivision.~~

21 ~~(c) Plan Three.—A minimum of 24 hours allocated as follows:~~

22 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
23 ~~instruction in a dual-control automobile with a qualified instructor.~~

24 ~~(2) Six hours in a dual-control automobile with a qualified~~
25 ~~instructor for the purpose of observation.~~

26 ~~(3) Twelve hours of instruction by a qualified instructor on an~~
27 ~~off-street multiple-car driving range.~~

28 ~~(4) At least three additional hours of instruction specified in~~
29 ~~one or more of paragraphs 1 to 3, inclusive, of this subdivision.~~

30 ~~(d) Plan Four.—A minimum of 24 hours allocated as follows:~~

31 ~~(1) Three hours of on-street behind-the-wheel practice driving~~
32 ~~instruction in a dual-control automobile with a qualified instructor.~~

33 ~~(2) Three hours in a dual-control automobile with a qualified~~
34 ~~instructor for the purpose of observation.~~

35 ~~(3) Eighteen hours of instruction by a qualified instructor in a~~
36 ~~driving simulator approved by the department and on an off-street~~
37 ~~multiple-car driving range. The governing board of the district~~
38 ~~shall establish the proportion of time to be utilized in simulators~~
39 ~~and on the off-street multiple-car driving range.~~

40 ~~(e) Plan Five.~~

~~(1) Competency-based driver training which means a program in which each student receives a minimum of three hours of on-street behind-the-wheel practice driving instruction, a minimum of one hour of behind-the-wheel pretesting, and a minimum of one hour of behind-the-wheel posttesting. The pretest and posttest for public school programs shall include basic skill evaluation by the instructor, as adopted by the Superintendent of Public Instruction pursuant to paragraph (2). The one hour posttest shall be conducted by an instructor other than the instructor who conducted the three hours of behind-the-wheel practice driving instruction or the pretest. Each student shall receive at least one additional hour of either behind-the-wheel practice driving instruction or observation time.~~

~~(2) The Superintendent of Public Instruction shall adopt rules, regulations, and basic skill requirements for public school programs pursuant to this subdivision.~~

~~(3) Local district superintendents offering this program shall annually report to the Superintendent of Public Instruction, on a form developed by the State Department of Education, on student completion of instruction pursuant to paragraph (1).~~

~~(f) For purposes of this section, one hour means 60 minutes including passing time.~~

~~(g) Any deviation from the standard use of a simulator or off-street multiple-car driving range, or both, shall have prior approval by the Department of Education before the school district, county superintendent of schools, the California Youth Authority, or the Department of Education can be reimbursed for the students trained.~~

~~(h) This section does not direct or restrict courses of instruction in the classroom phase or the laboratory phase of driver education offered by private elementary and secondary schools or to require the use of credentialed or certified instructors in the laboratory phase of driver education offered by private elementary and secondary schools, except that each student enrolled in a course shall satisfactorily complete a minimum of six hours of on-street behind-the-wheel driving instruction. This section does not limit eligibility for a provisional driver's license for pupils who have completed driver education or driver training courses offered in private elementary or secondary schools.~~

- 1 ~~(i) For the purposes of this section, private elementary or~~
2 ~~secondary schools are those subject to Sections 33190 and 48222.~~
3 ~~(j) The Superintendent of Public Instruction may require a~~
4 ~~private school to disclose in its affidavit required pursuant to~~
5 ~~Section 33190, the telephone number of any person, firm,~~
6 ~~association, partnership, or corporation offering or conducting~~
7 ~~private school instruction in driver training.~~
8 ~~(k) This section shall become operative on July 1, 2004.~~

